

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PEARL A. KATHAN,

Plaintiff,

Case No. 11-12168

v.

Hon. John Corbett O'Meara
T.H. MARSH CONSTRUCTION CO.,

Defendant.

ORDER OF PARTIAL DISMISSAL

On May 17, 2011, Plaintiff filed her complaint alleging violations of the Age Discrimination in Employment Act (“ADEA”) and the Elliott-Larsen Civil Rights Act (“ELCRA”). Plaintiff does not allege that diversity jurisdiction exists. Although the ADEA claim is cognizable in this court pursuant to 28 U.S.C. § 1331, the remaining allegations present a claim based on state law. This court declines to exercise supplemental jurisdiction over Plaintiff’s state law claim so as to avoid jury confusion. See 28 U.S.C. § 1367(c); United Mine Workers v. Gibbs, 383 U.S. 715 (1966); Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994).

Accordingly, IT IS HEREBY ORDERED that Count II of Plaintiff’s complaint is DISMISSED.

s/John Corbett O'Meara
United States District Judge

Date: July 1, 2011

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, July 1, 2011, using the ECF system.

s/William Barkholz
Case Manager